

**ASSEMBLY BILL**

**No. 1275**

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**Introduced by Assembly Member Anderson**

February 27, 2009

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An act to add Section 23153.5 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1275, as introduced, Anderson. Vehicles: driving under the influence (DUI): undocumented drivers.

(1) Existing law requires an arresting agency to notify the appropriate federal agency if the arresting agency has reason to believe that a person arrested for the possession, transportation, sale, or giving away of specified controlled substances may not be a citizen of the United States.

This bill would, in addition, require an arresting authority to report to the United States Immigration and Customs Enforcement the presence of a person if the person is arrested for driving while under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug, or caused bodily injuries to another as a result of driving while under the influence, and the person fails to provide the arresting authority with appropriate documentation demonstrating his or her legal presence in the United States.

Because an arresting agency includes a local agency, this bill would impose a state-mandated local program by increasing the duties of local law enforcement officials.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 23153.5 is added to the Vehicle Code,  
2     to read:  
3     23153.5. An arresting authority shall report to the United States  
4     Immigration and Customs Enforcement the presence of an arrestee  
5     when both of the following occur:  
6     (a) The arrestee is arrested for a violation of either Section 23152  
7     or 23153.  
8     (b) The arrestee fails to provide the arresting authority with  
9     appropriate documentation demonstrating his or her legal presence  
10    in the United States.  
11    SEC. 2. If the Commission on State Mandates determines that  
12    this act contains costs mandated by the state, reimbursement to  
13    local agencies and school districts for those costs shall be made  
14    pursuant to Part 7 (commencing with Section 17500) of Division  
15    4 of Title 2 of the Government Code.

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